

606 Change 60: Character and Amenity

Evaluation Overview

This report addresses submissions related to character and amenity.

In general terms, the proposed Plan Change upholds the principles of minimising conflict between incompatible activities. It introduces new provisions that account for risk of reverse sensitivity, including setbacks. The Plan Change also upholds the principle of maintaining character and amenity in rural areas. The Change introduces provisions that recognise that the character and amenity of rural residential locations, which are primarily for residential purposes, may differ from rural production areas and, to that end, introduced a definition of 'rural residential character' to complement that of 'rural character'.

In total, 51 submitters requested changes to a wide range of matters which are described and evaluated under the following sections:

- Setbacks and reverse sensitivity
- General character and amenity issues.

Submissions Dealt with in this Report

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| C60.174.8 | Transpower NZ Ltd | 2.2 | Add the following new term and definition: "Sensitive activities - means residential activities, day care facilities, educational facilities, elderly persons housing, and hospitals." |
| C60.830.1 | Fulton Hogan Ltd | 2.2 | Amend proposed definition of "reverse sensitivity" to: "Reverse sensitivity – means the risk to, and adverse effects on, an existing activity that may generate actual or perceived adverse effects as a result of receiving complaints or other expressions of sensitivity from any new activity locating nearby." |
| <i>Oppose</i> | | FC60.2864.9 | |
| <i>Support</i> | | FC60.3974.1 | |
| C60.830.11 | Fulton Hogan Ltd | Chapter 17 | Amend proposed rules 17.5.3.2(f), 17.6.3.1(o), 17.7.3.1(ga)(iii), 17.8.2.1(j), by deleting the words "existing hard rock." |
| C60.830.12 | Fulton Hogan Ltd | 18.7.2.1 | Amend condition (a) and proposed matters (1), (3), and (4) of restricted discretion of proposed rule 18.7.2.1 by deleting the words "hard rock." |
| C60.855.1 | Cotton & Light Surveyors | 17.8.3.1 | Delete proposed condition (h)(i) that requires dwellings and habitable buildings in the Rural Residential zone to be set back 30m from an internal boundary to the Rural 1, 2 and 3 zones. |
| <i>Oppose</i> | | FC60.2864.51 | |
| C60.1076.1 | Ravensdown Fertiliser Co-Operative Ltd | 2.2 | Retain proposed definition of 'reverse sensitivity'. |
| <i>Support</i> | | FC60.806.29 | |
| C60.1089.10 | Nelson Forests Ltd | 7.2.3.5 | Retain policy. |
| C60.1089.11 | Nelson Forests Ltd | 7.2.20.1 | Amend clause (b) to include a method to achieve policy 7.2.3.5 as follows: "protect plant and animal production from the adverse effects of alternative activities." |
| C60.1089.14 | Nelson Forests Ltd | 16.3.5.1 | Retain proposed matter of control (7A). |
| C60.1089.15 | Nelson Forests Ltd | 16.3.6.1 | Retain proposed matter of control (7A). |
| <i>Support</i> | | FC60.1076.9 | |
| C60.1089.18 | Nelson Forests Ltd | 16.3.5.1 | Amend matter of control (9) to add the word "significant" to the following attributes: ecological value, landscape value and indigenous vegetation. |
| C60.1089.21 | Nelson Forests Ltd | 16.3.6.1 | Amend condition (d) to add the following words or words to similar |

effect to the end of the condition:
 "If written approval from adjacent landowners is provided, internal boundary setbacks may be reduced".

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| C60.1089.33 | Nelson Forests Ltd | 17.8.3 | Retain proposed permitted condition 17.8.3.1(h)(i) and restricted discretionary condition 17.8.3.2(e)(i) which require dwellings and habitable buildings to be set back 30m from a boundary where that boundary is to the Rural 1, 2 or 3 zone boundary. |
| C60.1188.2 | Drummond, Wendy | 17.6.3.1 | Delete proposed condition (n)(i) that requires dwellings and habitable buildings to be set back 30m from an internal boundary for narrow sites in Rural 2. |
| C60.1227.1 | Davis Ogilvie & Partners Ltd | 17.5.3.2 | Amend rule 17.5.3.2(e)(i), and where it similarly appears elsewhere in the plan, to delete the requirement for dwellings and habitable buildings to be setback 30m from internal boundaries. |
| <i>Oppose</i> | | FC60.2864.44 | |
| C60.1227.2 | Davis Ogilvie & Partners Ltd | 17.5.3.2 | Amend rule 17.5.3.2(e)(ii), and where it applies elsewhere in the plan, to delete the requirement for a dwelling to be 300m from an existing poultry activity. |
| <i>Support</i> | | FC60.4011.17 | |
| C60.1440.2 | Vincent, S M | 7.2.3 | Delete policies 7.2.3.1C and 7.2.3.1D, which encourage intensification of Rural Residential zones on the basis of: <ul style="list-style-type: none"> - reverse sensitivity issues for rural landowners - street lighting from Rural Residential zones - locations that will become residential in character |
| C60.1440.3 | Vincent, S M | Chapter 17 | Amend to require a 30 metre setback of dwellings from boundaries to Rural zones within Rural Residential zones. |
| C60.1521.3 | Federated Farmers of NZ (Inc.) | 2.2 | Retain the proposed definitions of "reverse sensitivity" and "rural residential character." |
| C60.1521.8 | Federated Farmers of NZ (Inc.) | 7.1.3.6 | Amend proposed policy 7.1.3.6 to better manage reverse sensitivity. |
| <i>Support</i> | | FC60.1076.2 | |
| C60.1521.15 | Federated Farmers of NZ (Inc.) | 7.2.3.1E | Retain proposed policy 7.2.3.1E. |
| C60.1521.16 | Federated Farmers of NZ (Inc.) | C60 GEN | Amend the proposed changes to better manage the risks of reverse sensitivity. |
| <i>Support</i> | | FC60.2864.1 | |
| C60.1521.18 | Federated Farmers of NZ (Inc.) | 7.4.3.5A | Retain proposed policy 7.4.3.5A. |
| C60.1521.20 | Federated Farmers of NZ (Inc.) | 7.4.3.5C | Retain proposed policy 7.4.3.5C. |
| C60.1521.26 | Federated Farmers of NZ (Inc.) | 16.3.8.4A | Amend matter (4) of proposed rule 16.3.8.4A to: "Any matter relating to the significant adverse effect of the development on rural landscape or coastal amenity values in the surrounding environment." |
| C60.1521.30 | Federated Farmers of NZ (Inc.) | 17.5.2.1 | Retain proposed deletion of current condition (b). |
| <i>Support</i> | | FC60.4011.8 | |
| C60.1521.31 | Federated Farmers of NZ (Inc.) | 17.6.2.1 | Retain proposed deletion of current condition (b). |
| <i>Support</i> | | FC60.4011.11 | |

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| C60.1521.32 | Federated Farmers of NZ (Inc.) | 17.7.2.1 | Retain proposed deletion of current condition (c). |
| <i>Support</i> | | FC60.4011.13 | |
| C60.2635.1 | Ewing Poultry Ltd/Lloyd Ewing | 17.5.3.1 | Amend 17.5.3.1(kb)(ii) and where it similarly appears elsewhere in the Plan, from a 300m setback to 100m. |
| C60.2635.2 | Ewing Poultry Ltd/Lloyd Ewing | 17.5.3.2 | Amend 17.5.3.2(e)(i) and where it similarly appears elsewhere in the Plan, to delete the word “dwellings” and replace it with, or retain references to, “habitable buildings”. |
| C60.2635.3 | Ewing Poultry Ltd/Lloyd Ewing | 17.5.3.2 | Amend 17.5.3.2(f) and where it similarly appears elsewhere in the Plan, to add “lawfully established and operating as at 20 January 2016” after the words “quarry site”. |
| C60.2635.4 | Ewing Poultry Ltd/Lloyd Ewing | 17.5.3.2 | Amend 17.5.3.2(f) to remove the words “hard rock”. |
| C60.2635.5 | Ewing Poultry Ltd/Lloyd Ewing | 17.5.3.3 | Amend 17.5.3.3(bc), and where it similarly appears elsewhere in the Plan, to achieve consistency with 17.5.3.2(f) in respect of the reference to “existing quarry site”. |
| C60.2799.9 | Tasman District Council staff | 17.6.3.1 | Amend condition 17.6.3.1 (p) to delete reference to 25 hectares. |
| C60.2799.10 | Tasman District Council staff | 18.7.2.1 | Amend condition 18.7.2.1(a) to: “Dwellings or residential activities are set back at least 500 metres...” |
| C60.2864.3 | Horticulture New Zealand | 2.2 | Retain the proposed definition of “reverse sensitivity.” |
| C60.2864.4 | Horticulture New Zealand | 2.2 | Amend the proposed definition of “rural character” by amending points (c) and (e), and inserting a new point (h) as follows: “(c) built structures associated with productive rural land uses including artificial crop protection structures and crop support structures” “(e) residential activity directly associated with a productive land use” “(h) a working rural production environment.” |
| <i>Support</i> | | FC60.4032.13 | |
| C60.2864.5 | Horticulture New Zealand | 2.2 | Amend the proposed definition of “rural residential character” by replacing “rural area” with “Rural Residential Zones” |
| C60.2864.7 | Horticulture New Zealand | 2.2 | Amend the proposed definition of “shelter belt” by inserting the following sentence at the end: “Crop shelter may also be provided through artificial crop protection structures.” |
| C60.2864.8 | Horticulture New Zealand | 2.2 | Amend the current definition of “building” by inserting a new point at the end: “(j) crop support structures and artificial crop protection structure or artificial shelters.” |
| C60.2864.9 | Horticulture New Zealand | 2.2 | Add a definition for ‘artificial crop protection structures’ or ‘artificial shelter’ as follows: “Artificial Crop Protection – means structures with material used to protect crops and/or enhance growth, but does not include greenhouses.” |
| C60.2864.16 | Horticulture New Zealand | 7.1.3.3 | Amend current policy 7.1.3.3 by inserting words at the end as follows: “... including reverse sensitivity effects.” |
| <i>Support</i> | | FC60.3974.2 | |

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| C60.2864.19 | Horticulture New Zealand | 7.1.3 | Amend proposed changes to section 7.1.3 to ensure that the potential for reverse sensitivity is avoided in all Rural zones. |
| <i>Support</i> | | FC60.1076.1 | |
| C60.2864.26 | Horticulture New Zealand | 7.2.2.1 | Amend proposed objective 7.2.2.1 by: (a) deleting the first proposed word “Retention” and retaining the current word “Provision.” (b) inserting at the end, “and potential reverse sensitivity effects.” |
| <i>Support</i> | | FC60.1089.3 | |
| C60.2864.31 | Horticulture New Zealand | 7.2.3.1E | Retain proposed policy. |
| C60.2864.34 | Horticulture New Zealand | 7.2.3.2 | Amend operative policy 7.2.3.2(d) to: “cross boundary effects, including any actual and potential adverse effects and potential effects on existing activities from new or future activities;” |
| C60.2864.35 | Horticulture New Zealand | 7.4.1.2 | Retain proposed issue 7.4.1.2. |
| C60.2864.36 | Horticulture New Zealand | 7.4.2 | Amend current objective 7.4.2 to: “The adverse effects of activities on rural character, amenity values, and reverse sensitivity are avoided, remedied or mitigated.” |
| C60.2864.37 | Horticulture New Zealand | 7.4.3.5A | Amend proposed policy 7.4.3.5A to: “To discourage subdivision of small allotments in the Rural 1 and Rural 2 zones where this may contribute to the loss of rural character and amenity values and increase potential for reverse sensitivity effects.” |
| <i>Support</i> | | FC60.4011.2 | |
| C60.2864.38 | Horticulture New Zealand | 7.4.3.5C | Amend proposed policy 7.4.3.5C to: “To discourage residential development on existing small allotments where this may adversely affect rural character and amenity values and increase potential for reverse sensitivity effects.” |
| <i>Support</i> | | FC60.4011.3 | |
| C60.2864.39 | Horticulture New Zealand | 16.3.5.1 | Insert a new condition: “Building Platform (r) Identify a building platform for a residential dwelling with 30 metre setback from all internal boundaries.” |
| C60.2864.40 | Horticulture New Zealand | 16.3.5.1 | Amend matter of control (7A) by replacing “reverse sensitivities” with “reverse sensitivity.” |
| C60.2864.42 | Horticulture New Zealand | Sch. 16.3A | Amend assessment criterion (2) to: “(2) The potential effects of the subdivision on the amenity values, rural character, and natural and physical character of the area.” |
| <i>Support</i> | | FC60.4011.5 | |
| C60.2864.43 | Horticulture New Zealand | Sch. 16.3A | Insert an additional assessment criterion (13): “(13) Potential reverse sensitivity effects.” |
| <i>Support</i> | | FC60.4011.6 | |
| C60.2864.44 | Horticulture New Zealand | 16.3.6.1 | Insert a new condition: “Building platform (r) Identify a building platform for a residential dwelling with 30 metre setback from all internal boundaries.” |
| C60.2864.47 | Horticulture New Zealand | 16.3.8.1 | Amend rule 16.3.8.1 as to: “(9) Potential effects on rural character and amenity values and potential reverse sensitivity effects where the subdivision abuts a |

rural zone.”

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| Support | FC60.4011.4 |
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| C60.2864.48 Horticulture New Zealand | 17.5.2.1 | Amend the current definition of “day” to “7:00 am to 9:00 pm Monday to Sunday inclusive ...” |
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| C60.2864.49 Horticulture New Zealand | 17.5.2.1 | Retain the exemption for temporary rural and animal production activities from Noise conditions. |
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| Support | FC60.4011.7 |
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| C60.2864.50 Horticulture New Zealand | 17.5.3.1 | Amend proposed condition 17.5.3.1(ka): “A building, other than a dwelling or habitable building, must be set back...” |
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| C60.2864.51 Horticulture New Zealand | 17.5.3.1 | Retain proposed condition 17.5.3.1(kb). |
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| C60.2864.52 Horticulture New Zealand | 17.5.3.1 | Amend proposed condition 17.5.3.1(l) to: “... greenhouses and artificial crop protection structures...” |
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| C60.2864.53 Horticulture New Zealand | 17.5.3.1 | Retain current condition 17.5.3.1(e). |
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| C60.2864.54 Horticulture New Zealand | 17.5.3.1 | Amend proposed matter of control 17.5.3.1(5A) to: “Effects of buildings, including dwellings, on rural character and amenity and potential for reverse sensitivity effects on plant and animal production.” |
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| C60.2864.55 Horticulture New Zealand | 17.5.3.2 | Amend proposed matter of control 17.5.3.2(5A) to: “Effects of buildings, including dwellings, on rural character and amenity and potential for reverse sensitivity effects on plant and animal production.” |
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| Support | FC60.4011.9 |
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| C60.2864.56 Horticulture New Zealand | 17.5.3.3 | Retain proposed matter of control (2) in proposed rule 17.5.3.3. |
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| C60.2864.57 Horticulture New Zealand | 17.6.2.1 | Amend the current definition of “day” to “7:00 am to 9:00 pm Monday to Sunday inclusive ...” |
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| C60.2864.59 Horticulture New Zealand | 17.6.3.1 | Amend proposed condition 17.6.3.1(ma): “A building, other than a dwelling or habitable building, must be set back...” |
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| C60.2864.60 Horticulture New Zealand | 17.6.3.1 | Retain proposed condition 17.6.3.1(n)(i). |
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| C60.2864.61 Horticulture New Zealand | 17.6.3.1 | Amend proposed condition 17.6.3.1(p): “... greenhouses and artificial crop protection structures...” |
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| C60.2864.62 Horticulture New Zealand | 17.6.3.2 | Amend proposed matter of control (5A) in proposed rule 17.6.3.2 as follows: “Effects of buildings, including dwellings, on rural character and amenity and potential for reverse sensitivity effects on plant and animal production.” |
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| Support | FC60.4011.10 |
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| C60.2864.63 Horticulture New Zealand | Sch. 17.6A | Retain current matter of control (2) in Schedule 17.6A. |
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| C60.2864.64 Horticulture New Zealand | 17.7.2.1 | Amend the current definition of “day” to “7:00 am to 9:00 pm Monday to Sunday inclusive ...” |
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| C60.2864.65 Horticulture New Zealand | 17.7.3.1 | Retain the exemption for temporary rural and animal production |
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| | Zealand | | activities from Noise conditions. |
| C60.2864.66 | Horticulture New Zealand | 17.7.3.1 | Amend proposed condition 17.7.3.1(ga) by inserting a new point: "(iv) at least 30 metres from any internal boundary, except where the activity is an alteration to a dwelling and the setback to the boundary is thereby not reduced." |
| C60.2864.67 | Horticulture New Zealand | 17.7.3.1 | Amend proposed condition 17.7.3.1(k) to: "... greenhouses and artificial crop protection structures..." |
| C60.2864.68 | Horticulture New Zealand | 17.7.3.2 | Amend proposed rule 17.7.3.2 by inserting a new matter of control (11): "(11) Effects of buildings, including dwellings, on rural character and amenity and potential for reverse sensitivity effects on and animal production." |
| Support | | FC60.4011.16 | |
| C60.2864.69 | Horticulture New Zealand | 17.8.3.1 | Retain proposed condition 17.8.3.1(h). |
| Support | | FC60.4011.15 | |
| C60.2864.70 | Horticulture New Zealand | 17.8.3.1A | Amend proposed matter of control (2) by deleting "productive activities" and replacing with "plant and animal production activities"; and amend proposed matter of control (5) to: "Effects of buildings, including dwellings, on rural character and amenity and potential for reverse sensitivity effects on plant and animal production." |
| Support | | FC60.4011.14 | |
| C60.2864.71 | Horticulture New Zealand | 17.8.3.2 | Retain proposed condition (e) in proposed rule 17.8.3.2. |
| C60.3660.1 | St Leger Group | 17.6.3.1 | Delete proposed condition (j)(i). |
| C60.3660.2 | St Leger Group | 17.6.3.1 | Amend proposed condition (ma) to ensure there is certainty and not necessarily requiring written permission. |
| C60.3660.3 | St Leger Group | 17.6.3.1 | Delete proposed condition (n)(i). |
| C60.3660.4 | St Leger Group | 17.8.3.1 | Delete proposed condition (h)(i). |
| C60.3969.3 | Parkes, Claire | 17.8 | Amend 17.8 land use rules to limit number of dogs on property adjoining rural land. |
| C60.3974.19 | Aggregate and Quarry Assn of NZ (AQA) | 7.2.3.1E | Retain proposed policy. |
| Support | | FC60.4065.19 | |
| C60.3974.20 | Aggregate and Quarry Assn of NZ (AQA) | Chapter 17 | Amend proposed conditions 17.5.3.2(f), 17.5.6.3.1(ga), 17.6.3.1(o) and 17.8.2.1(j) to: "Dwellings and habitable buildings are set back at least 500 metres from any boundary of an existing quarry site except for a quarry permitted under condition..." |
| Support | | FC60.1076.10 | |
| C60.3974.21 | Aggregate and Quarry Assn of NZ (AQA) | 17.7.3.2 | Amend proposed condition 17.7.3.2(f) to: "Dwellings and habitable buildings are set back at least: ... (iii) 500 metres from any boundary of an existing quarry site except for a quarry permitted under condition..." |
| Support | | FC60.4065.21 | |
| C60.3974.22 | Aggregate and Quarry Assn of NZ (AQA) | 18.7.2.1 | Amend proposed condition 18.7.2.1(a) to: "Dwellings and habitable buildings are set back 500 metres from any existing quarry site except for a quarry permitted under condition..." |

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| <i>Support</i> | | FC60.4065.22 | |
| C60.3974.23 | Aggregate and Quarry Assn of NZ (AQA) | 18.7.2.1 | Delete proposed changes to matters of restricted discretion (1), (3) and (4) of proposed rule 18.7.2.1 which insert references to "hard rock." |
| <i>Support</i> | | FC60.4065.23 | |
| C60.3974.24 | Aggregate and Quarry Assn of NZ (AQA) | 18.7.20 | Delete the proposed changes to Principal Reasons for Rules 18.7.20 which insert references to "hard rock". |
| <i>Support</i> | | FC60.4065.24 | |
| C60.3986.3 | Anderson, Stuart | 2.2 | Amend definition of 'rural character' to include a reference to the value of permanent bush and woodland as an important component of the definition. |
| C60.3991.2 | Bensemman, Alan | 17.6.3.1 | Amend 17.6.3.1(n) that requires dwellings to be set back from internal boundaries in the Rural 2 Zone, reverting to existing provision that requires only a 5m setback. |
| <i>Oppose</i> | | FC60.2864.47 | |
| C60.3994.7 | Blackstock, Patsy | Chapter 17 | Amend 17.5.2.8A and 17.6.2.8A matter of discretion (8), which refers to rural landscape and amenity values. |
| C60.3996.5 | Boomerang Farm Ltd/M Wratten | Chapter 17 | Amend 17.5.3.2(e) and 17.7.3.1(ga)(i) to replace 30 metres with 10 metres; or delete 17.5.3.2(e). |
| C60.3996.6 | Boomerang Farm Ltd/M Wratten | 17.5.3.2 | Amend 17.5.3.2(f) and where it similarly appears elsewhere in the Plan, to add "lawfully established and operating as at 20 January 2016" after the words "quarry site". |
| C60.3996.7 | Boomerang Farm Ltd/M Wratten | 17.5.3.2 | Amend 17.5.3.2(f) and where it similarly appears elsewhere in the Plan, to remove the words "hard rock". |
| C60.3996.8 | Boomerang Farm Ltd/M Wratten | 17.5.3.3 | Amend 17.5.3.3(bc), and where it similarly appears elsewhere in the Plan, to achieve consistency with 17.5.3.2(f) in respect of the reference to "existing quarry site". |
| C60.3999.2 | Bradley, Ralph | Chapter 17 | Amend 17.5.3.1(kb), 17.5.3.2(e)(i), 17.6.3.1(n)(i) to revert back to a 5m setback, or, allow a 5m setback where adjacent land is bare for at least 30m; and/or, adjust the setback to 10m where there is building on the neighbouring side within 30m. |
| <i>Oppose</i> | | FC60.2864.34 | |
| C60.4002.1 | Butts, Robert J | 2.2 | Retain definition of "reverse sensitivity". |
| C60.4009.3 | Eastman, Liza | Chapter 17 | Restrict or discourage intrusive street lighting on subdivision for residential purposes in rural areas. |
| C60.4011.2 | Egg Producers Federation of NZ | 2.2 | Retain proposed definition of "reverse sensitivity". |
| C60.4011.3 | Egg Producers Federation of NZ | 7.2.3.1E | Retain proposed policy. |
| C60.4011.9 | Egg Producers Federation of NZ | 7.4.2 | Retain current objective. |
| C60.4011.10 | Egg Producers Federation of NZ | 7.4.3.2 | Retain current policy 7.4.3.2. |
| C60.4011.11 | Egg Producers Federation of NZ | Chapter 17 | Include a new rule 17.5.2.8B: "17.5.2.8B Restricted Discretionary Activities (Intensive livestock farming o[r] poultry farming) Intensive livestock farming o[r] poultry farming that does not comply with the conditions of Rule 17.5.2.1 is a Restricted |

Discretionary Activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

- (1) Effects on amenity, including:
 - (a) The ability to mitigate offensive odour,
 - (b) The ability to mitigate visual effects by screening of activities from adjoining roads and sites,
 - (c) Adverse effects of the activity in terms of traffic and parking congestion on site and safety and efficiency of roads giving access to the site,
 - (d) The ability to manage effluent and waste generated as part of the operation."

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| C60.4011.12 | Egg Producers Federation of NZ | Chapter 17 | <p>Include a new rule 17.6.2.8B: "17.6.2.8B Restricted Discretionary Activities (Intensive livestock farming o[r] poultry farming) Intensive livestock farming o[r] poultry farming that does not comply with condition (n) of rule 17.6.3.1 is a Restricted Discretionary Activity. A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion: (1) Effects on amenity, including: (a) The ability to mitigate offensive odour, (b) The ability to mitigate visual effects by screening of activities from adjoining roads and sites, (c) Adverse effects of the activity in terms of traffic and parking congestion on site and safety and efficiency of roads giving access to the site, (d) The ability to manage effluent and waste generated as part of the operation."</p> |
| C60.4011.13 | Egg Producers Federation of NZ | Chapter 17 | <p>Include a new rule 17.7.2.5B: "17.7.2.5B Restricted Discretionary Activities (Intensive livestock farming o[r] poultry farming) Intensive livestock farming o[r] poultry farming that does not comply with condition (h)(j) of rule 17.7.2.1 is a Restricted Discretionary Activity. A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion: (1) Effects on amenity, including: (a) The ability to mitigate offensive odour, (b) The ability to mitigate visual effects by screening of activities from adjoining roads and sites, (c) Adverse effects of the activity in terms of traffic and parking congestion on site and safety and efficiency of roads giving access to the site, (d) The ability to manage effluent and waste generated as part of the operation."</p> |
| C60.4011.14 | Egg Producers Federation of NZ | 17.5.3.1 | <p>Amend proposed condition 17.5.3.1(l) to: "Except as provided for in Schedule 17.5A (Hope Depot Site), the total area of all buildings on the site excluding greenhouses and poultry sheds or enclosures is..."</p> |
| C60.4011.15 | Egg Producers Federation of NZ | 17.6.3.1 | <p>Amend proposed condition 17.6.3.1(p)to: "The total area of all buildings on any site which is 25 hectares or less in area, excluding greenhouses and poultry sheds or enclosures is..."</p> |
| C60.4011.16 | Egg Producers Federation of NZ | 17.7.3.1 | <p>Amend proposed condition 17.7.3.1(k) to: "The total area of all buildings on any site, excluding greenhouses and poultry sheds or enclosures is..."</p> |
| C60.4011.17 | Egg Producers Federation of NZ | Chapter 17 | <p>Amend proposed conditions 17.5.2.1(n), 17.6.2.1(n) and 17.7.2.1(i) to: "Intensive livestock farming which is poultry farming sheds or enclosures are set back at least 200 metres from any habitable building or community or recreational activity."</p> |

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| C60.4011.18 | Egg Producers Federation of NZ | Chapter 17 | Amend proposed conditions 17.5.3.1(kb), 17.6.3.1(n) and 17.7.3.1(ga) to: "Habitable buildings, community activities and recreational activities are set back: (i) at least 30 metres from any internal boundary, except where the activity is an alteration to a dwelling, and the set back to the boundary is not thereby reduced; (ii) at least 200 metres from any building or enclosure that houses poultry that is on an existing lawfully established intensive livestock farm which is a poultry farm on or before 30 January 2016." |
| <hr/> | | | |
| C60.4016.5 | Golden Bay Surveyors | Chapter 17 | Amend proposed condition (i) in 17.5.3.1(kb), 17.5.3.2(e) and 17.6.3.1(n) to reduce the setback required from internal boundaries. |
| <hr/> | | | |
| <i>Oppose</i> | | FC60.2864.35 | |
| C60.4023.6 | Hancock Forest Management (NZ) Ltd | 2.2 | Include a definition of "reverse sensitivity." |
| <hr/> | | | |
| <i>Support</i> | | FC60.806.41 | |
| C60.4023.10 | Hancock Forest Management (NZ) Ltd | 7.2.3.5 | Retain proposed policy 7.2.3.5 which addresses reverse sensitivity. |
| C60.4023.11 | Hancock Forest Management (NZ) Ltd | 7.2.20 | Insert a regulatory method in 7.2.20 to have rules to implement policy 7.2.3.5. |
| C60.4023.14 | Hancock Forest Management (NZ) Ltd | 16.3 | Retain proposed matters of control (7A) in 16.3.5.1 and 16.3.6.1 which address reverse sensitivity. |
| C60.4023.16 | Hancock Forest Management (NZ) Ltd | 16.3.5.1 | Amend the proposed matter of control to: "Provision for and protection of areas of significant ecological values, significant landscape value, significant indigenous vegetation, protected trees and cultural heritage." |
| C60.4023.30 | Hancock Forest Management (NZ) Ltd | Chapter 17 | Retain proposed conditions 17.8.3.1(h) and 17.8.3.2(e). |
| C60.4032.1 | Jelf, Iona | 2.2 | Amend definition of rural character to include a requirement for using the land for inherently 'rurally productive' purposes. |
| C60.4032.19 | Jelf, Iona | Chapter 17 | Retain zone air emissions provision in 17.5.2.1(b), 17.6.2.1(b) and 17.7.2.1(c). |
| C60.4034.4 | Kebbell, John | 17.6.3.1 | Delete proposed condition (n)(i) that requires dwellings and habitable buildings to be set back 30m from an internal boundary and retain the existing operative provisions for a 5m setback. |
| <i>Oppose</i> | | FC60.2864.48 | |
| C60.4035.1 | Kelsall, Julia | 17.6.3.1 | Delete proposed condition (n)(i) that requires dwellings and habitable buildings in the Rural 2 zone to be set back 30m from an internal boundary, and retain the existing operative proposal. |
| <i>Oppose</i> | | FC60.2864.49 | |
| C60.4035.6 | Kelsall, Julia | 17.6.3.1 | Delete proposed condition (p)(i) which requires that building coverage is not greater than 600m for any site with a net area of 4,000 sqm or less in the Rural 2 zone. |
| C60.4036.2 | Kerrisk, Billy | Chapter 7 | Retain proposals that retain the 'ruralness' of rural areas. |
| C60.4038.5 | Koldau, Vanessa & Magnus | Chapter 17 | Delete proposed matter (8) in restricted discretionary land use proposals for co-operative living in the Rural 1 and 2 zones in 17.5.2.8A and 17.6.2.8A. |

Staff Evaluation Report : 606 - Change 60: Character and Amenity

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| C60.4039.2 | Landmark Life Ltd | 2.2 | Delete proposed definition of 'rural residential character'. |
| <i>Oppose</i> | | | FC60.2864.11 |
| C60.4039.3 | Landmark Life Ltd | 2.2 | Delete proposed changes to the definition of 'rural character'. |
| <i>Oppose</i> | | | FC60.2864.12 |
| C60.4041.2 | Laing, Chris | Chapter 17 | Delete proposed item (i) that requires dwellings and habitable buildings to be set back 30m from an internal boundary and retain the existing 5m operative provision in conditions 17.5.3.1(kb), 17.5.3.2(e), 17.6.3.1(n), 17.7.3.1(ga), 17.7.3.2(f) and 17.8.3.1(h). |
| <i>Oppose</i> | | | FC60.2864.36 |
| C60.4045.5 | Love, G | Chapter 17 | Delete proposed matter (8) in Restricted Discretionary land use proposals for co-operative living in the Rural 1 and 2 zones in 17.5.2.8A and 17.6.2.8A. |
| C60.4046.5 | McCarthy, Beth | 7.4.3 | Retain proposed policies which maintain rural character and rural lifestyle. |
| C60.4046.7 | McCarthy, Beth | Chapter 17 | Provide policy that protects the character of Golden Bay. |
| C60.4048.5 | McMahan, Diana C | Chapter 17 | Delete proposed condition (i) that requires dwellings and habitable buildings to be set back 30m from an internal boundary and retain the existing 5m operative provision in 17.5.3.1(kb), 17.5.3.2(e), 17.6.3.1(n), 17.7.3.1(ga), 17.7.3.2(f) and 17.8.3.1(h). |
| C60.4049.2 | Manson, Mark & Laura | Chapter 17 | Delete proposed condition (i) that requires dwellings and habitable buildings to be set back 30m from an internal boundary and retain the existing 5m operative provision in 17.5.3.1(kb), 17.5.3.2(e), 17.6.3.1(n), 17.7.3.1(ga), 17.7.3.2(f) and 17.8.3.1(h). |
| <i>Oppose</i> | | | FC60.2864.38 |
| C60.4049.3 | Manson, Mark & Laura | Chapter 17 | Request that regulation relating to use of recessive house colours in rural areas is relaxed. |
| C60.4050.8 | Maurer, Joachim | Chapter 17 | Delete proposed condition (i) that requires dwellings and habitable buildings to be set back 30m from an internal boundary and retain the existing 5m operative provision in 17.5.3.1(kb), 17.5.3.2(e), 17.6.3.1(n), 17.7.3.1(ga), 17.7.3.2(f) and 17.8.3.1(h). |
| C60.4052.5 | Mitchell, Fran | Chapter 17 | Delete proposed matter (8) in Restricted Discretionary land use proposals for co-operative living in the Rural 1 and 2 zones in 17.5.2.8A and 17.6.2.8A. |
| C60.4057.2 | New Zealand Defence Force | 2.2 | Retain proposed definition of 'reverse sensitivity' as notified. |
| C60.4057.3 | New Zealand Defence Force | 2.2 | Retain proposed definition of 'community activity' as notified. |
| C60.4063.1 | Pons, Rodger | 17.8.3.1 | Delete proposed condition (h)(i) for a 30m setback for dwellings and habitable buildings in the Rural Residential zone and reinstate current operative provision 17.8.3.1(h)(i)-(iii). OR Retain proposal but exempt dwellings being or to be erected on land with designated building location areas within the 30m setback that are part of an existing subdivision consented prior to this proposal taking effect. |
| <i>Oppose</i> | | | FC60.2864.53 |
| C60.4063.2 | Pons, Rodger | 17.8.3.1 | Delete proposed condition (h)(i) for a 30m setback for dwellings and habitable buildings in the Rural Residential zone and reinstate current operative provisions 17.8.3.1(h)(i)-(iii). OR Retain proposal but exempt lots less than 1ha in size. |

Staff Evaluation Report : 606 - Change 60: Character and Amenity

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| C60.4065.1 | Port Tarakohe Services Ltd | 17.8.2.1 | Retain proposed changes to quarry setback rules in condition (j). |
| C60.4065.2 | Port Tarakohe Services Ltd | 17.8.3.1 | Amend quarry setback condition (o) to be consistent with 17.8.2.1(j). |
| C60.4065.3 | Port Tarakohe Services Ltd | 16.3.8 | Amend provisions to include a new rule that subdivision in the Rural Residential Zone within 500m of an existing hard rock quarry be assessed as a Non Complying activity, as follows: "16.3.8.6 Non-Complying Subdivision (Rural Residential Zone) Subdivision in the Rural Residential Zone of any site within 500 metres of an existing hard rock quarry site, is a non-complying activity. A resource consent is required. Consent may be refused or conditions imposed. In considering the applications and determining the conditions, Council will have regard to the criteria set out in Schedules 16.3A as well as any other provisions of the Plan or Act." |
| C60.4065.5 | Port Tarakohe Services Ltd | 2.2 | Retain proposed definition of 'reverse sensitivity.' |
| C60.4066.1 | Rose, David Glenn | 16.3 | Retain subdivision proposals that protect coastal character. |
| C60.4066.2 | Rose, David Glenn | 16.3 | Retain subdivision proposals that protect natural character. |
| C60.4068.9 | Rural Contractors NZ Inc. (RCNZ) | 7.2.3.1E | Retain proposed policy. |
| C60.4070.9 | Santa Barbara, Jeff | Chapter 17 | Delete proposed matter (8) in restricted discretionary land use proposals in 17.5.2.8A and 17.6.2.8A for co-operative living in the Rural 1 and 2 zones. |
| C60.4072.6 | Scurr, Lorna | Chapter 17 | Ensure proposals in 17.5.3.1 (kb)(i), 17.5.3.2(e)(i), 17.6.3.1(n)(i), 17.7.3.1(ga)(i), 17.7.3.2(f)(i) and 17.8.3.1(h)(i) which require dwellings and habitable buildings to be set back 30m from an internal boundary are sensitive to site size and shape. |
| C60.4073.9 | Seligman, Katerina | Chapter 17 | Delete proposed matter (8) in restricted discretionary land use proposals in 17.5.2.8A and 17.6.2.8A for co-operative living in the Rural 1 and 2 zones. |
| C60.4077.6 | Stephenson, Andrew | 2.2 | Delete open space criteria (a) in the definition of 'rural character'. |
| C60.4077.12 | Stephenson, Andrew | Chapter 17 | Delete proposed matter (8) in restricted discretionary land use proposals in 17.5.2.8A and 17.6.2.8A for co-operative living in the Rural 1 and 2 zones. |
| <i>Support</i> | | FC60.4032.33 | |
| C60.4078.6 | Stephenson, Petra | 2.2 | Delete open space criteria (a) in the definition of 'rural character'. |
| C60.4078.12 | Stephenson, Petra | Chapter 17 | In 17.5.2.8A and 17.6.2.8A, delete proposed matter (8) in Restricted Discretionary land use proposals for co-operative living in the Rural 1 and 2 zones. |
| <i>Support</i> | | FC60.4032.34 | |
| C60.4085.2 | Staig & Smith and Alandale & Vailima Orchards | Chapter 17 | Delete proposed item (i) in conditions 17.5.3.1(kb) and 17.5.3.2(e) for a 30m setback for dwellings and habitable buildings in the Rural 1 zone and reinstate current operative provisions. |
| <i>Oppose</i> | | FC60.2864.43 | |

Evaluation and Recommendations 606.1

A. Evaluation

1.0 Introduction

This Evaluation and Recommendations set (606.1) relates to setbacks and reverse sensitivities.

The primary planning method for buffering one activity from the impacts of another is to impose separation distances or boundary setbacks. Examples of impacts that often cause 'cross boundary effects' are noise, dust, odour, smoke and traffic. The Plan contains a range of boundary setbacks depending on the nature of the activity and the zone.

Despite the operative Plan's objectives and policies, the operative Plan rules relating to setbacks between incompatible activities both within and between rural zones (Rural 1, 2, 3, Rural Residential and Rural Industrial zones) are inconsistent. As all zones have significant numbers of small lots, currently, the inconsistencies increase the risk of cross-boundary and reverse-sensitivity effects occurring between incompatible activities.

2.0 Affected Plan Provisions

The Change introduces or amends provisions relating to setbacks for habitable buildings, poultry farming and quarries. More specifically, the Change:

- introduces a new definition of 'reverse sensitivity' (chap 2.2)
- proposes new policies for minimising potential conflicts between incompatible uses through setbacks and separation distances (7.1.3.6A and 7.2.3.1E)
- introduces new provisions for habitable buildings in the Rural 1 and 2 zones to be set back 30m from internal property boundaries, excepting where an alteration does not increase the level of non-compliance (17.5.3.1(kb)(i); 17.5.3.2(e)(i); 17.6.3.1(n)(i))
- introduces new provisions for habitable buildings in the Rural Residential and Rural 3 zones to be set back 30m from boundaries to the Rural 1, 2 (and 3) zones (17.7.3.1(ga)(i), 17.7.3.2(f)(i), 17.8.3.1(h)(ii) and 17.8.3.2(e)(i))
- provides that buildings can be set back less than 5m from boundaries where the landowner of the property has provided written permission in the Rural 1 and 2 zones (17.5.3.1(h)(i) and (ka) and 17.6.3.1(j)(i) and (ma))
- introduces new provisions for new intensive poultry farming activity to be set back 300m from the boundaries of the site (17.5.2.1(n), 17.6.2.1(n) and 17.7.2.1(i)) as well as a 300m setback for habitable buildings from buildings or enclosures that house poultry on an intensive poultry farm established on or before 30 January 2016 (17.5.3.1 (kb)(ii), (17.5.3.2(e)(ii), 17.6.3.1(n)(ii), 7.7.3.1(ga)(ii), 7.7.3.2(f)(ii), 17.8.3.1(h)(ii), and 17.8.3.2(e)(ii))
- limits the 500m separation distance between residential activity and quarries to hard rock quarries (Chapters 17 and 18.7).

By way of context, the current operative Plan requires buildings, including habitable buildings, to be set back 5 metres from boundaries unless the adjacent property contains horticultural plantings where pesticides may be discharged, in which case a setback of 30 metres from boundaries or from vineyard plantings or 20 metres where a spray belt is established, is required. The operative Plan also requires dwellings or residential activity to be set back 500m from the boundaries of a quarry site.

3.0 Issues and Options

3.1 30m setback for habitable buildings from internal boundaries in the Rural 1 and 2 zones

The majority of submitters requested that the provisions be deleted or reduced or the current operative provisions be reverted to for the reasons that they are excessive, unnecessary and will reduce the amount of land available for production. Also some submitters mentioned it may limit development on sites in subdivisions and land use consents already granted but not yet given effect to. One submitter supported the provisions (C60.2864.51) as setbacks are a primary plan method of reducing conflicts between incompatible activities and reducing the risk of reverse sensitivity. The submitter also requested that a building platform setback 30m from boundaries is provided for at the

time of subdivision.

The options are to (i) retain the proposed provisions; or (ii) to revert to the operative Plan provisions.

The benefits of the proposed provision are that it removes the 'first come, first served' principle and its potential to limit productive opportunity. It is, therefore, expected to improve the protection of productive opportunity for the future, although the issue remains for current buildings. Benefits include better use of land, improved amenity, reduced conflict for landowners and the community, a reduced number of complaints about cross boundary effects and reduced risk of reverse sensitivity effects. Staff propose that the Plan is amended to clarify that where a setback is not met, the activity trips to a Restricted Discretionary activity.

The costs and risks to landowners are those associated with the use or wastage of space needed to comply with the setback for new habitable buildings in the Rural 1 and 2 zones. Within the rule context in Rural 1, all dwellings require consent. Consequently, the changes are expected to have the most impact in the Rural 2 zone where the first dwelling is Permitted on any size site. The Rural 2 zone covers most of the rural area in the district.

The preferred option is to retain the proposed provisions.

3.2 30m setback for habitable buildings in the Rural 3 and Rural Residential to the boundaries of the Rural 1, 2 (and 3) zones

The majority of submitters requested that the provisions be deleted or reduced or the current operative provisions be retained. Submitters raised the issue that the provision does not take account of land zoned Rural Residential but deferred for residential development. Submitters also raised concerns that this setback would adversely affect sites in subdivisions and land use consents already granted but not yet given effect to, possibly with a designated building location area within the 30 metre setback area. This point is accepted and staff recommend amending the Rural 3 and Rural Residential zone provisions to exempt sites in subdivisions consented but not yet implemented by 30 January 2016.

3.3 Buildings set back less than 5m from boundaries where the landowner of the property has provided written permission in the Rural 1 and 2 zones

One submitter queried the certainty of this provision. Staff clarify that the setback is from internal (not road) boundaries and consider the provision sufficiently certain as written permission is required. The benefit of the option is primarily to an owner of adjoining sites. The risks relate to increased risk of cross-boundary effects as owners and building uses change over time. In context of the 30m setback for habitable buildings, staff consider the risk acceptable.

3.4 300m setback for habitable buildings from intensive poultry farms lawfully established at 30 January 2016 and 300m setback for intensive poultry farm activity from boundaries

In consultations on the proposed Change, setback provisions of 300m were proposed by egg producer stakeholders as being sufficient to avoid cross-boundary effects. Submitters C60.4011.17 and C60.2635.1 now request that the setback distance be reduced to 200m or 100m, as modern day shed technology in which intensive poultry is usually kept, has reduced the need for such a wide separation distance. One of these submitters also request that if the setback is not met, the activity trip to a Restricted Discretionary activity rather than a Discretionary activity and that that the setback for habitable dwellings applies to community and recreational activities as well as to habitable buildings.

Council's complaints history indicates that complaints related to intensive poultry farming generally have related to odour from the composting of animal body parts and offal rather than from the poultry sheds. The Plan discharge rules provide for a 10m setback for offal pits and composting from adjacent boundaries and that offensive or objectionable odour is not discernible beyond property boundaries (Chap 36.1).

Options are to retain the proposed provision for a 300m setback or to reduce the setback to 200m and to clarify that poultry farming, including animal body part processing and the composting of animal body parts and offal, is set back at least 200 metres from any boundary of the site.

The request for a reduced 200m setback is accepted for the reason that an adequate separation distance between habitable buildings and existing lawfully established poultry farms is considered appropriate. Staff consider that a reduced setback of 200m for intensive poultry activity is likely to mitigate adverse effects from farms in the District other than for cross-boundary odour from the composting of animal body parts on large-scale operations.

The request that the setback of 200m applies to community and recreational activities as well as to habitable buildings is not accepted as many of these activities are temporary in character and if not, will fall within the operative Plan definition of 'habitable building'. One submitter opposed the setback for habitable dwellings from lawfully established poultry farms at 30 January 2016 - this request is accommodated in part by the reduced setback.

3.5 500m setback for residential activity from 'hard rock' quarries

Submitters requested consistency of Plan treatment for the provisions for this issue. The request is accepted. Two submitters request that the setback applies only to quarries that are lawfully established and existing at 20 January. The request is not accepted as resources that are quarried are site specific and extraction occurs at the location of the resource. Three submitters (830, 3996 and 3974) sought deletion of the words "existing hard rock" that qualify any quarry that "is likely to create noise, vibration, and dust". In C60, both these amendments are linked in seeking to reduce reverse sensitivity risk to existing quarries arising from new dwellings, leading to impositions on their operations. It is acknowledged that the rule is rather uncertain, and that the word "existing is unnecessary; the quarry has to exist. One submitter seemed to be concerned about the ambiguity between hard rock quarrying and aggregate quarrying. The reason for proposing the "hard rock" qualifier in C60 is to link those types of quarries with the set of effects considered likely. As well, hard rock is the most valuable type of material quarried for aggregate whether form in situ masses or river gravel, and so this qualifier sought to delimit only those quarries most at stake. It is accepted that:

- Hard rock could refer only to in situ hard rock masses or it could refer to extraction and processing of hard rock in the form of river gravel;
- Not only "hard rock" however it is used, may generate the set of effects most risky for existing quarrying operations from reverse sensitivity by complaint or legal action; other forms of quarrying may also generate these effects.

A solution is to provide more certain tests for the effects by referring to "has or is likely to have" such effects. Council has a database of existing quarries, which would need further effort to update to ensure some capture of effect-based data is made.

One submitter (C60.4065) requested Non-Complying activity status for Rural Residential subdivision within 500m of a hard rock quarry. The request refers to and would address a legacy situation near Port Tarakohe where land was zoned Rural Residential historically but which currently is being subdivided within 500m of an existing hard rock quarry area.

Staff propose the introduction of a new matter for Controlled subdivision in the Rural Residential zone that refers to the potential for reverse sensitivity and cross-boundary effects of development on an existing lawfully established hard rock quarry. The new matter will enable this issue to be addressed at the time of subdivision rather than habitable building consent.

3.6 Risk of reverse sensitivity

Nine submitters supported the proposed definition of reverse sensitivity with one of those nine requesting changes to the definition to refer to "the risk to and adverse effects on an existing activity.' The request is not supported as the risk of reverse sensitivity is sufficient to create the adverse effects.

Two submitters requested that policy set 7.1.3 is amended to ensure that the potential for reverse sensitivity is avoided in all rural zones. Staff consider that the issue is adequately addressed by proposed policies 7.1.3.6A and 7.2.3.1E.

Two submitters have requested that the risk of potential sensitivity is referred to in the matters of control or discretion in the consent decision-making process. In principle, the request is supported, where appropriate.

4.0 Preferred Options

On consideration of the requests, further requests and the issues they raise, staff prefer the options of:

- retaining the proposed 30m setback for habitable buildings from internal boundaries in the Rural 1 and 2 zones with clarification that if the setback is not met, the activity trips to Restricted Discretionary consent level.
- retaining the proposed 30m setback for habitable buildings in the Rural 3 and Rural Residential to the boundaries of the Rural 1, 2 (and 3) zones (except for sites in subdivisions consented but not yet implemented by 30 January 2016) with clarification that if the setback is not met, the activity trips to

Restricted Discretionary consent level.

The above options are preferred because they address the 'first come, first served' principle. In that its potential to limit productive opportunity is removed. Benefits include better use of land in the future, improved amenity, reduced conflict for landowners and the community, a reduced number of complaints about cross-boundary effects and reduced risk of reverse sensitivity effects.

Staff prefer the option of retaining the proposed provision that buildings may be set back less than 5m from boundaries where the landowner of the property has provided written permission in the Rural 1 and 2 zones as the provision is sufficiently certain. In context of the 30m setback for habitable buildings, staff consider the risk of cross-boundary effects minimal.

Staff accept the option of a 200m rather than the proposed 300m setback for habitable buildings from buildings or enclosures on intensive poultry farms lawfully established at 30 January 2016 and for intensive poultry farm activity, which includes animal body part processing and composting, and in the event of the setback not being met, provision for the activity to trip to Restricted Discretionary consent level for the reasons that: (i) modern day shed technology in which intensive poultry is usually kept has reduced the need for such a wide separation distance; and (ii) the setback is considered wide enough to mitigate odour from composting from most of the farms in the district.

Staff prefer the option of amending the current operative Plan provisions which provide for a 500 m setback from dwellings or residential activity from a quarry site that has or is likely to have noise vibration and dust effects as it is accepted that forms of quarrying, other than hard rock quarrying, may also generate these effects.

Staff also prefer the option of introducing a new matter for Controlled subdivision to address the risk of reverse sensitivity effects on land zoned Rural Residential but proximate to an existing quarry to enable the issue to be addressed at the time of subdivision rather than habitable building construction.

Staff prefer the option of retaining the proposed definition of 'reverse sensitivity' with the inclusion of references to reverse sensitivity in relevant consent matters of control and discretion.

B. Staff Recommendations

1. Retain the proposed 30m setback for habitable buildings from internal boundaries in the Rural 1 and 2 zones and clarify that if the setback is not met, the activity trips to Restricted Discretionary consent level.
2. Retain the proposed 30m setback for habitable buildings in the Rural 3 and Rural Residential zone to the boundaries of the Rural 1, 2 (and 3) zones except for sites in subdivisions consented but not yet implemented by 30 January 2016 with clarification that on noncompliance, the activity trips to Restricted Discretionary consent level.
3. Retain the proposed provision that buildings may be set back less than 5m from boundaries where the landowner of the property has provided written permission in the Rural 1 and 2 zones.
4. Provide for a 200m rather than the proposed 300m setback for habitable buildings from buildings or enclosures on intensive poultry farms lawfully established at 30 January 2016 and for intensive poultry farm activity which includes animal body part processing and composting from boundaries and, in the event of non-compliance with the setback, provision for the activity to trip to Restricted Discretionary consent level.
5. Revert to but amend the operative Plan provisions to provide for a 500m setback for dwellings or residential activity from a quarry site that has or is likely to create noise, vibration and dust effects.
6. Introduce a new matter for Controlled subdivision in the Rural Residential zone to enable assessment of reverse sensitivity effects of subdivision and development on an existing, lawfully established quarry site.
7. Address matters of consistency relating to setbacks from quarries.
8. Amend the proposed and, where necessary, include new matters of control and restricted/discretion to avoid or mitigate the effects of natural hazards, including the risk of wildfire.

C. Reasons

1. In general terms, the recommendations uphold the principles of minimising conflict between incompatible activities by way of setbacks and provisions that account for the risk of reverse sensitivity.

2. The setbacks for habitable buildings are retained for the reason that then the 'first come, first served' principle and its potential to limit productive opportunity is removed. Benefits include better use of land in the future, improved amenity, reduced conflict for landowners and the community, a reduced number of complaints about cross boundary effects and reduced risk of reverse sensitivity effects.
3. The reasons for the reduction in setback width from 300m to 200m for intensive livestock farming that is poultry farming, which includes animal body part processing and composting, from all boundaries is that: (i) modern day shed technology in which intensive poultry is usually kept, has reduced the need for such a wide separation distance; and (ii) the setback is considered wide enough to mitigate odour from animal body part processing and composting from most of the farms in the district.
4. It is accepted that the 500m setback applies to all quarries as forms of quarrying, other than hard rock quarrying, may also generate these effects.
5. The new matter for Controlled subdivision in the Rural Residential zone will enable assessment of reverse sensitivity effects at the time of subdivision in addition to that of building construction.
6. Associated consistency and consequential amendments will improve Plan readability and effectiveness.
7. Consistency will improve Plan readability and effectiveness.

D. Plan Amendments

Topic : 16.3.8.1

1. Insert a new matter of control:
“(11B) Potential for reverse sensitivity effects on plant and animal production activity in an adjoining Rural 1, 2 or 3 zone.”
2. Insert a new matter of control:
“(11C) Potential for reverse sensitivity effects on an existing, lawfully established hard rock quarry which was a hard rock quarry on or before 30 January 2016.”

Topic : Sch. 16.3A

Amend Schedule 16.3A to add an additional criterion as follows:

“Potential for reverse sensitivity effects on plant and animal production activity.”

Topic : Chapter 17

1. Amend conditions 17.7.3.1(ga)(i), 17.7.3.2(f)(i), 17.8.3.1(h)(i) and 17.8.3.2(e)(i) by adding the following words to the end of the sentence:
“except for a dwelling on a site located in a subdivision that was consented before 30 January 2016”.
2. Amend 17.5.3.1(h)(i) and 17.6.3.1(j)(i) to move proposed additional wording from before the word “and” to after the same word “and”.
3. Amend the proposed conditions 17.5.2.1(n), 17.6.2.1(n) and 17.7.2.1(i) by:
 - ☐ adding the words “including animal body part and offal processing and composting,” after the words “poultry farming”.
 - ☐ replacing the word “300m” with “200m”.
4. Amend proposed conditions 17.5.3.1(kb)(ii), 17.5.3.2(e)(ii), 17.6.3.1(n)(ii); 7.7.3.1(ga)(ii), 7.7.3.2(f)(ii), 17.8.3.1(h)(ii), and 17.8.3.2(e)(ii) by replacing the word “300m” with “200m”.
5. Amend conditions 17.5.3.2(f), 17.6.3.1(o) and 17.7.3.1(f)(iii) to:
“Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).”
6. Amend matters 17.5.3.2(5A), 17.6.3.2(5A), 17.7.3.2(11), 17.8.3.1A(5) to include the following words “and potential for reverse sensitivity effects” before the words “plant and animal production”.
7. Add new proposed conditions 17.6.3.4(d) and 17.7.3.3(e):
“Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).”
8. Amend 17.8.2.1(j) to read:
“A residential activity is set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii).”

Topic : 17.5.2

Insert a new rule 17.5.2.8B:

“17.5.2.8B Restricted Discretionary Activities (Intensive livestock farming which is poultry farming) Intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.5.2.1 is a Restricted Discretionary Activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

- (1) Effects on amenity, including:
 - (a) ability to mitigate offensive odour,
 - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
 - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
 - (d) ability to manage effluent and waste generated as part of the activity.”

Topic : 17.5.3.3

1. Revert to operative condition 17.5.3.3 (d).
2. Amend proposed condition 17.5.3.3(bc) to add reference to: “condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)”.

Topic : 17.6.2

Insert a new rule 17.6.2.8B:

“17.6.2.8B Restricted Discretionary Activities (Intensive livestock farming which is poultry farming) Intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.5.2.1 is a Restricted Discretionary Activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

- (1) Effects on amenity, including:
 - (a) ability to mitigate offensive odour,
 - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
 - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
 - (d) ability to manage effluent and waste generated as part of the activity.”

Topic : 17.7.2

Insert a new rule 17.7.2.5B:

“17.7.2.5B Restricted Discretionary Activities (Intensive livestock farming which is poultry farming) Intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.5.2.1 is a Restricted Discretionary Activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

- (1) Effects on amenity, including:
 - (a) ability to mitigate offensive odour,
 - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
 - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
 - (d) ability to manage effluent and waste generated as part of the activity.”

Topic : 17.7.3.1

Amend proposed condition 17.7.3.1(ga) to include the following words at the end of the sentence: “except where the activity is an alteration to a dwelling, and the setback to the boundary is not thereby reduced.”

Topic : 17.8.3.1A

Amend matter of control (2) by replacing the words "productive activities" with the words "plant and animal production activities".

Topic : 17.8.3.2

Delete proposed condition 17.8.3.2(e) and revert to the operative condition (e).

Topic : 18.7.2.1

1. Amend condition 18.7.2.1(a) to read: "Dwellings or residential activities are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."

2. Amend matters 18.7.2.1(1), (3) and (4) to delete references to the words "hard rock".

Topic : 18.7.20

1. Amend Principal Reasons for Rules 18.7.20 to delete proposed changes which insert the words "hard rock".

E. Other Action

None.

F. Submission Recommendations

| | | |
|-----------------|--|---------------|
| C60.174.8 | Transpower NZ Ltd | Disallow |
| C60.830.1 | Fulton Hogan Ltd | Disallow |
| <i>Allow</i> | FC60.2864.9 | |
| <i>Disallow</i> | FC60.174.1 FC60.806.21 FC60.3974.1 | |
| C60.830.11 | Fulton Hogan Ltd | Allow |
| C60.830.12 | Fulton Hogan Ltd | Allow |
| C60.855.1 | Cotton & Light Surveyors | Allow In Part |
| <i>Disallow</i> | FC60.2864.51 | |
| C60.1076.1 | Ravensdown Fertiliser Co-Operative Ltd | Allow |
| <i>Allow</i> | FC60.806.29 | |
| C60.1089.10 | Nelson Forests Ltd | Allow |
| C60.1089.11 | Nelson Forests Ltd | Disallow |
| C60.1089.14 | Nelson Forests Ltd | Allow |
| C60.1089.15 | Nelson Forests Ltd | Allow |
| <i>Allow</i> | FC60.1076.9 | |
| C60.1089.21 | Nelson Forests Ltd | Disallow |
| C60.1089.33 | Nelson Forests Ltd | Allow |
| C60.1188.2 | Drummond, Wendy | Disallow |
| C60.1227.1 | Davis Ogilvie & Partners Ltd | Disallow |
| <i>Allow</i> | FC60.2864.44 | |
| C60.1227.2 | Davis Ogilvie & Partners Ltd | Disallow |
| <i>Disallow</i> | FC60.4011.17 | |
| C60.1440.3 | Vincent, S M | Allow |
| C60.1521.3 | Federated Farmers of NZ (Inc.) | Allow |
| C60.1521.8 | Federated Farmers of NZ (Inc.) | Disallow |
| <i>Disallow</i> | FC60.1076.2 FC60.2864.23 | |
| C60.1521.15 | Federated Farmers of NZ (Inc.) | Allow |
| C60.1521.16 | Federated Farmers of NZ (Inc.) | Allow |
| <i>Allow</i> | FC60.2864.1 | |
| C60.2635.1 | Ewing Poultry Ltd/Lloyd Ewing | Allow In Part |
| C60.2635.2 | Ewing Poultry Ltd/Lloyd Ewing | Disallow |
| C60.2635.3 | Ewing Poultry Ltd/Lloyd Ewing | Disallow |
| C60.2635.4 | Ewing Poultry Ltd/Lloyd Ewing | Disallow |
| C60.2635.5 | Ewing Poultry Ltd/Lloyd Ewing | Allow |
| C60.2799.10 | Tasman District Council staff | Allow |
| C60.2864.3 | Horticulture New Zealand | Allow |
| C60.2864.16 | Horticulture New Zealand | Disallow |
| <i>Disallow</i> | FC60.1089.2 FC60.3974.2 | |

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|---------------------------------------|--|----------------------|
| C60.2864.19 <i>Disallow</i> | Horticulture New Zealand FC60.1076.1 FC60.4032.24 | Disallow |
| C60.2864.26 <i>Disallow</i> | Horticulture New Zealand FC60.1076.6 FC60.1089.3 | Disallow |
| C60.2864.31 | Horticulture New Zealand | Allow |
| C60.2864.34 | Horticulture New Zealand | Disallow |
| C60.2864.35 | Horticulture New Zealand | Allow |
| C60.2864.36 | Horticulture New Zealand | Allow |
| C60.2864.37 <i>Disallow</i> | Horticulture New Zealand FC60.1076.8 FC60.3974.7 FC60.4011.2 | Disallow |
| C60.2864.38 <i>Disallow</i> | Horticulture New Zealand FC60.3974.8 FC60.4011.3 | Disallow |
| C60.2864.39 | Horticulture New Zealand | Disallow |
| C60.2864.40 | Horticulture New Zealand | Allow |
| C60.2864.43 <i>Allow</i> | Horticulture New Zealand FC60.4011.6 | Allow |
| C60.2864.44 | Horticulture New Zealand | Disallow |
| C60.2864.47 <i>Allow</i> | Horticulture New Zealand FC60.4011.4 | Allow |
| C60.2864.50 | Horticulture New Zealand | Disallow |
| C60.2864.51 | Horticulture New Zealand | Allow |
| C60.2864.54 | Horticulture New Zealand | Disallow |
| C60.2864.55 <i>Allow</i> | Horticulture New Zealand FC60.4011.9 | Allow |
| C60.2864.56 | Horticulture New Zealand | Allow |
| C60.2864.59 | Horticulture New Zealand | Disallow |
| C60.2864.60 | Horticulture New Zealand | Allow |
| C60.2864.62 <i>Allow</i> | Horticulture New Zealand FC60.4011.10 | Allow |
| C60.2864.63 | Horticulture New Zealand | Allow |
| C60.2864.66 | Horticulture New Zealand | Disallow |
| C60.2864.69 <i>Allow</i> | Horticulture New Zealand FC60.4011.15 | Allow |
| C60.2864.71 | Horticulture New Zealand | Allow |
| C60.3660.1 | St Leger Group | Allow In Part |
| C60.3660.2 | St Leger Group | Disallow |
| C60.3660.3 | St Leger Group | Disallow |
| C60.3660.4 | St Leger Group | Disallow |
| C60.3974.19 <i>Allow</i> | Aggregate and Quarry Assn of NZ (AQA) FC60.4065.19 | Allow |
| C60.3974.20 <i>Allow</i> | Aggregate and Quarry Assn of NZ (AQA) FC60.1076.10 FC60.4065.20 | Allow |
| C60.3974.21 <i>Allow</i> | Aggregate and Quarry Assn of NZ (AQA) FC60.4065.21 | Allow |
| C60.3974.22 <i>Allow</i> | Aggregate and Quarry Assn of NZ (AQA) FC60.4065.22 | Allow |

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|-------------------------------|---|---------------|
| C60.3974.23 <i>Allow</i> | Aggregate and Quarry Assn of NZ (AQA) FC60.4065.23 | Allow |
| C60.3974.24 <i>Allow</i> | Aggregate and Quarry Assn of NZ (AQA) FC60.4065.24 | Allow |
| C60.3991.2 <i>Allow</i> | Bensemman, Alan FC60.2864.47 | Disallow |
| C60.3996.5 | Boomerang Farm Ltd/M Wratten | Disallow |
| C60.3996.6 | Boomerang Farm Ltd/M Wratten | Disallow |
| C60.3996.7 | Boomerang Farm Ltd/M Wratten | Allow |
| C60.3996.8 | Boomerang Farm Ltd/M Wratten | Allow |
| C60.3999.2 <i>Allow</i> | Bradley, Ralph FC60.2864.34 | Disallow |
| C60.4002.1 | Butts, Robert J | Allow |
| C60.4011.2 | Egg Producers Federation of NZ | Allow |
| C60.4011.3 | Egg Producers Federation of NZ | Allow |
| C60.4011.11 | Egg Producers Federation of NZ | Allow |
| C60.4011.12 | Egg Producers Federation of NZ | Allow |
| C60.4011.13 | Egg Producers Federation of NZ | Allow |
| C60.4011.17 | Egg Producers Federation of NZ | Allow In Part |
| C60.4011.18 | Egg Producers Federation of NZ | Allow In Part |
| C60.4016.5 <i>Allow</i> | Golden Bay Surveyors FC60.2864.35 | Disallow |
| C60.4023.6 <i>Allow</i> | Hancock Forest Management (NZ) Ltd FC60.806.41 | Allow |
| C60.4023.10 | Hancock Forest Management (NZ) Ltd | Allow |
| C60.4023.11 | Hancock Forest Management (NZ) Ltd | Disallow |
| C60.4023.14 | Hancock Forest Management (NZ) Ltd | Allow |
| C60.4023.30 | Hancock Forest Management (NZ) Ltd | Allow |
| C60.4034.4 <i>Allow</i> | Kebbell, John FC60.2864.48 | Disallow |
| C60.4035.1 <i>Allow</i> | Kelsall, Julia FC60.2864.49 | Disallow |
| C60.4036.2 | Kerrisk, Billy | Allow |
| C60.4041.2 <i>Allow</i> | Laing, Chris FC60.2864.36 | Disallow |
| C60.4048.5 | McMahan, Diana C | Disallow |
| C60.4049.2 <i>Allow</i> | Manson, Mark & Laura FC60.2864.38 | Disallow |
| C60.4050.8 | Maurer, Joachim | Disallow |
| C60.4057.2 | New Zealand Defence Force | Allow |
| C60.4057.3 | New Zealand Defence Force | Allow |
| C60.4063.1 <i>Disallow</i> | Pons, Rodger FC60.2864.53 | Allow |
| C60.4063.2 | Pons, Rodger | Disallow |
| C60.4065.1 | Port Tarkohe Services Ltd | Allow |
| C60.4065.2 | Port Tarkohe Services Ltd | Allow |

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|-------------------|--|----------------------|
| C60.4065.3 | Port Tarakohe Services Ltd | Allow In Part |
| C60.4065.5 | Port Tarakohe Services Ltd | Allow |
| C60.4068.9 | Rural Contractors NZ Inc. (RCNZ) | Allow |
| C60.4072.6 | Scurr, Lorna | Allow In Part |
| C60.4085.2 | Staig & Smith and Alandale & Vailima Orchards | Disallow |
| <i>Allow</i> | FC60.2864.43 | |
| C60.4086.3 | Wallis, William G | Disallow |

Evaluation and Recommendations 606.2

A. Evaluation

1.0 Introduction

This Evaluation and Recommendations set (606.2) relates to general rural character and amenity issues.

This topic is addressed to a limited extent only in this proposed change.

The effectiveness of the operative Plan in maintaining rural character and amenity is variable across the range of zones in the District. The TRMP Effectiveness Evaluation Report noted:

"The operative Plan largely has achieved the objective of retaining rural character during subdivision in the Rural 1 and 2 zones, although, due to the historical legacy of the high number of small lots in the District, the weight of protection for small lots needs to be strengthened. Preliminary results on rural character in the Rural 3 zone show a loss of rural character. The results for the Rural Residential zone show that rural character and amenity considerations do not rank highly in the decision-making process. A likely reason for these results is the operative Plan's definition of 'rural character' which is inappropriate for rural residential-style development." (TRMP Effectiveness Evaluation report, 2013, refers). The proposed changes are expected to address these issues.

2.0 Affected Plan Provisions

The Change recognises that the character and amenity of the rural residential locations in the rural area (Rural Residential zone and Rural 3 zone - land that is not of high productive value), which are primarily for residential purposes, may differ from rural production areas and, to that end, introduced a definition of 'rural residential character' to complement an updated definition of 'rural character' (Chapter 2.2).

The Change improves policies that provide stronger direction and encouragement of low impact design for land use and subdivision in rural areas.

The Change also makes minor adjustments to existing policies and provisions relating to character to address deficiencies and to link topics, including:

- (a) amendment to the provisions that set a limit for Permitted building coverage to include dwellings (17.5.3.1(l), etc); and
- (b) the introduction of a policy which discourages the continuing subdivision of small lots in the Rural 1 and 2 zones where this may contribute to the cumulative loss of rural character and amenity values (7.4.3.5A).

3.0 Issues and Options

3.1 Definitions of Rural Character and Rural Residential Character

Five submitters requested amendments to the definition of 'rural character' and 'rural residential character'.

Staff consider that the proposed definition of 'rural character' accommodates requests for the 'ruralness' of rural areas to be retained and describes the qualities of a working rural production environment.

One submitter (C60.4039.2 and 3) requested that the proposed changes to the operative definition are deleted, together with the proposed new definition of 'rural residential character' as they will apply to the Rural 3 zone and the new definitions will affect assessment processes in that zone. The submitter requests the changes are not adopted until there has been a full assessment of effects of the definitions on the development outcomes of Rural 3. Two submitters request changes to the definitions to regulate land use through the definition or limit application of the definition.

The options are (i) to exclude the application of the definition to Rural 3 but retain the proposed definitions for the rest of the District; (ii) revert to the operative definitions for the whole district; (iii) limit the application of the definition of 'rural residential character' to the Rural Residential zone; (iv) retain the proposed provisions.

Option (iv) is preferred for the following reasons:

- The definitions provide a broad description of character but are not in themselves a method for regulating land use. Reference to the defined term in the Plan assists to manage land use in the

context of the particular provision within which the definition is used.

- The proposed definition of 'rural residential character' forms part of the proposals to provide a better policy framework for rural residential development that is specifically provided for in the Rural Residential zone and in the Rural 3 zone on land that is not of high productive value. It is not practical to exclude a part of the district from the meaning of a term.
- Although the Coastal Tasman Area and Rural 3 zone were excluded from the Plan Change section 32 review process as the regulatory frameworks were recently adopted (made operative in 2005), the Change has amended Rural 3 provisions for the purpose of achieving consistency across the District.

3.2 Co-operative Living and Effects on the Rural Landscape, Amenity Values and Coastal Natural Character (17.5.2.8A(8) and 17.6.2.8A(8))

Six submitters requested the deletion of the matter of Restricted Discretion relating to effects on the rural landscape and on amenity values and coastal natural character for the reason that "clustering of dwellings" to protect productive opportunity is 'opposite' to rural amenity of open space. One submitter also requests that criterion (a) in the definition of 'rural character', which provides for a high ratio of open space to built features, be deleted for the same reason.

The Change has reaffirmed that maintaining rural character and amenity is one of the Plan's key objectives for managing development in rural areas. Clustering is a method that can be used to achieve an outcome such as protecting productive opportunity or maintaining an open landscape beyond a cluster of dwellings rather than scattering individual dwellings throughout the landscape or establishing a rural residential 'cookie cutter' type pattern of development. Staff recommend that the matter is retained.

3.3 Rural Residential Zone Amenity

One submitter requested that intensification of Rural Residential zones be discouraged due to adverse effects of lighting, built residential structures on character and amenity, and two other submitter request that dogs and intrusive street lighting are limited in the Rural Residential zone.

The proposed setback of 30m for habitable buildings in the Rural Residential and Rural 3 zones to Rural 1 and 2 (and 3) zone boundaries is expected to reduce the risk of reverse sensitivity on adjacent rural land. Existing operative Plan provisions (Chapter 5 – site amenity effects) together with the current TDC engineering standards are expected to manage lighting appropriately in rural areas. Council's Dog Control Policy and Bylaw of 2014 (rather than the District plan) manages dog control in the District.

3.4 Building Coverage

Requests for the exclusion of poultry sheds or enclosures and artificial crop protection structures from the building coverage limits are accepted as the structures are associated with plant and animal production. One submitter requests that the 600m coverage limit for lots of 4,000 sqm or less be deleted, while another requests that Rural 2 lots over 25 ha are not excepted from the standard of 5% building coverage for lots over 4,000 sqm in size.

Building coverage standards are a key method for managing the scale and intensity of development and achieving appropriate character and amenity outcomes for the area or zone in which an activity is located. Also, the scale and intensity of rural housing needs to be in keeping with the overall objectives for the rural zone within which it is located. In the Rural 1 and 2 zones and Rural 3 zone where the land is of high productive value, the priority land use is plant and animal production activity with an associated objective of maintaining rural character and amenity. In overall District context, Council provides for residential living that is not associated with plant and animal production activities in the Residential zone, in its 17 urban settlement areas and, in rural areas, in the Rural Residential zone and Rural 3 zone - on land that does not have high productive value.

In context of the Plan's regulatory framework for managing rural areas, the proposed limits on building coverage amended - to include Rural 2 lots over 25 ha in size and exclude poultry sheds or enclosures and artificial crop protection structures - are considered appropriate.

3.5 Artificial Crop Protection Structures

Submitter C60.2864 has requested several amendments to clarify the status and meaning of artificial crop protection structures or 'artificial shelter' in the Plan.

To this end, staff accept the requests in so far as they clarify that artificial shelter, like green houses, is a structure which is a building that is exempt from the building coverage provisions. Staff consider it appropriate that artificial shelter complies with the Permitted conditions (relating to setbacks, height and building envelope) for buildings in the Plan.

3.6 Deletion of Air Emissions - Dust and Odour rule in the Rural 1, 2 and 3 zones (17.5.2.1(b), 17.6.2.1(b) and 17.7.2.1(c))

Two submitters requested this change be retained and one submitter opposed its deletion.

The Change proposed the deletion of the zone conditions for dust and odour to reduce unnecessary duplication in the Plan as Chapter 36.3.2.1 manages the issue of the discharge of contaminants to air effectively in the District.

3.7 Change to Rural 1 and 2 Zone Noise Provisions (17.5.2.1(c), 17.6.2.1(c) and 17.7.2.1(d))

Submitter C60.2864.57 requested a change to the Rural 1 and 2 noise conditions to extend weekday time noise levels to all days of the week. This request is considered out of scope as the Change has not reviewed the zone noise conditions other than to clarify the exemption for temporary 'rural and animal' production activities from the conditions (addressed in report no. 608 on Temporary Activities).

3.8 Natural Character (16.3.5.1(9), 16.3.6.1(8) and 16.3.8.4A(4))

Two submitters requested that the word "significant" is added to Controlled subdivision matter in Rural 1 and 2 which provides for the protection of (significant) ecological, landscape and indigenous vegetation values. The requests are accepted as it aligns the matter with RMA Part 2 requirements. One submitter requested amendments to a Rural Residential zone matter for Restricted Discretionary which is not accepted as assessment of the values are considered appropriate for Rural Residential development.

4.0 Preferred Options

On consideration of the requests, further requests and the issues they raise, staff prefer the option of retaining the proposed definitions of 'rural character' and 'rural residential character' for the following reasons:

- The definitions provide a broad description of character but are not in themselves a method for regulating land use. Reference to the defined term in the Plan assists to manage land use in the context of the particular provision within which the definition is used.
- The proposed definition of 'rural residential character' forms part of the proposals to provide a better policy framework for rural residential development that is specifically provided for in the Rural Residential zone and in the Rural 3 zone - on land that is not of high productive value. It is not practical to exclude a part of the district from the meaning of a term.
- Although the Coastal Tasman Area and Rural 3 zone were excluded from the Plan Change section 32 review process as the regulatory frameworks were recently adopted (made operative in 2005), the Change has amended Rural 3 provisions for the purpose of achieving consistency across the District.

Staff prefer the option of retaining the matter of Restricted Discretion relating to effects of co-operative living on the rural landscape and on amenity values and coastal natural character for the reason that clustering of dwellings is a method that can be used to achieve an outcome such as protecting productive opportunity or maintaining an open landscape.

Staff prefer the option of retaining provisions that encourage consolidation of the Rural Residential zones as the proposed Plan provisions, including the setbacks for habitable dwellings, are expected to manage the maintenance of character and amenity in rural areas.

Staff prefer the option of amending the building coverage provisions for the Rural 1, 2 and 3 zones to include Rural 2 lots over 25 ha in size in the limit of 5% coverage and to exempt poultry sheds or enclosures and crop protection structures from the permitted building coverage limit for the reason that in context of the Plan's regulatory framework for managing rural areas, the proposed amendments are considered appropriate.

Staff prefer the option that clarifies that artificial crop protection structures, like green houses, are artificial shelter which is a building that is exempt from the building coverage provisions. Staff

consider it appropriate that artificial shelter complies with the Permitted conditions for buildings in the Plan.

Staff prefer the option of retaining the deletion of the Rural 1, 2 and 3 zone provisions relating to air emissions as the deletion reduces the duplication of provisions in the Plan as the operative Chapter 36.3.2.1 manages the issue of the discharge of contaminants to air effectively, already.

Staff accept the option of amending the Controlled subdivision matter in Rural 1 and 2 which provides for the protection of ecological, landscape and indigenous vegetation values to include the word “significant” as the amendment aligns the matters with the RMA Part 2 requirements.

B. Staff Recommendations

1. Retain the proposed definitions of ‘rural character’ and ‘rural residential character’.
2. Retain the matter of restricted discretion (17.5.2.8A(8) and 17.6.2.8A(8) relating to effects of co-operative living on the rural landscape and on amenity values and coastal natural character.
3. Retain provisions that encourage consolidation of the Rural Residential zone.
4. Amend the building coverage provisions for the Rural 1, 2 and 3 zones to exempt poultry sheds or enclosures and crop protection structures from the building coverage limit and to include Rural 2 lots over 25 ha in size in the limit of 5% coverage.
5. Add a new definition of ‘artificial shelter’ that clarifies that artificial crop protection structures, like green houses, are artificial shelter which is a building that is exempt from the building coverage provisions.
6. Retain the deletion of the Rural 1, 2 and 3 zone provisions relating to air emissions.
7. Amend the controlled subdivision matter in Rural 1 and 2 which provides for the protection of ecological, landscape and indigenous vegetation values to include the word “significant”.

C. Reasons

1. The proposed definitions of ‘rural character’ and ‘rural residential character’ provide a broad description of character but are not in themselves a method for regulating land use. Reference to the defined term in the Plan assists to manage land use in the context of the particular provision within which the definition is used. The proposed definition of ‘rural residential character’ forms part of the proposals to provide a better policy framework for rural residential development that is specifically provided for in the Rural Residential zone and in the Rural 3 zone - on land that is not of high productive value. It is not practical to exclude a part of the district from the meaning of a term.
Although the Coastal Tasman Area and Rural 3 zone were excluded from the Plan Change section 32 review process as the regulatory frameworks were recently adopted (made operative in 2005), the Change has amended Rural 3 provisions for the purpose of achieving consistency across the District.
2. Clustering of dwellings is a method that can be used to achieve an outcome such as protecting productive opportunity or maintaining an open landscape.
3. The proposed plan provisions, including the setbacks for habitable dwellings, are expected to manage the maintenance of character and amenity in rural areas.
4. In the context of the Plan’s regulatory framework for managing rural areas, the recommended amendments to the building coverage provisions in Rural 1, 2 and 3 are considered appropriate.
5. Staff consider it appropriate that ‘artificial shelter’ complies with the Permitted conditions for buildings in the Plan.
6. The deletion of the Rural 1, 2 and 3 zone provisions relating to air emissions reduces the duplication of provisions in the Plan.
7. The amendment to the Controlled subdivision matter in Rural 1 and 2 which provides for the protection of ecological, landscape and indigenous vegetation values to include the word “significant” aligns with the RMA Part 2 requirements.

D. Plan Amendments

Topic : 2.2

Add a new definition of ‘artificial shelter’ as follows:

“Artificial shelter - means structures with material used to protect crops or enhance growth including shade cloth and greenhouses.”

Topic : 16.3

Amend Rural 1 and Rural 2 Controlled subdivision matters 16.3.5.1(9) and 16.3.6.1(8) by adding the word "significant" as follows:

"Provision for and protection of areas of significant ecological value, significant landscape value and significant indigenous vegetation."

Topic : Chapter 17

Amend the proposed building coverage conditions 17.5.3.1(l), 17.6.3.1(p) and 17.7.3.1(k) to include the words "artificial crop protection structures and poultry sheds or enclosures" after the word "greenhouses".

Topic : 17.6.3.1

Amend the proposed building coverage condition 17.6.3.1(p) by deleting the words "on any site which is 25 hectares or less in area,"

F. Submission Recommendations

| | | |
|----------------------|--------------------------------|---------------|
| C60.1089.18 | Nelson Forests Ltd | Allow |
| C60.1440.2 | Vincent, S M | Disallow |
| C60.1521.18 | Federated Farmers of NZ (Inc.) | Allow |
| C60.1521.20 | Federated Farmers of NZ (Inc.) | Allow |
| C60.1521.26 | Federated Farmers of NZ (Inc.) | Disallow |
| C60.1521.30 | Federated Farmers of NZ (Inc.) | Allow |
| <i>Allow</i> | FC60.4011.8 | |
| C60.1521.31 | Federated Farmers of NZ (Inc.) | Allow |
| <i>Allow</i> | FC60.4011.11 | |
| C60.1521.32 | Federated Farmers of NZ (Inc.) | Allow |
| <i>Allow</i> | FC60.4011.13 | |
| C60.2799.9 | Tasman District Council staff | Allow |
| C60.2864.4 | Horticulture New Zealand | Disallow |
| <i>Disallow</i> | FC60.4032.13 | |
| C60.2864.5 | Horticulture New Zealand | Disallow |
| C60.2864.7 | Horticulture New Zealand | Disallow |
| C60.2864.8 | Horticulture New Zealand | Disallow |
| C60.2864.9 | Horticulture New Zealand | Allow In Part |
| C60.2864.42 | Horticulture New Zealand | Disallow |
| <i>Disallow</i> | FC60.4011.5 | |
| C60.2864.48 | Horticulture New Zealand | Disallow |
| C60.2864.49 | Horticulture New Zealand | Allow |
| <i>Allow</i> | FC60.4011.7 | |
| C60.2864.52 | Horticulture New Zealand | Allow |
| C60.2864.53 | Horticulture New Zealand | Allow |
| C60.2864.57 | Horticulture New Zealand | Disallow |
| C60.2864.61 | Horticulture New Zealand | Allow |
| C60.2864.64 | Horticulture New Zealand | Disallow |
| C60.2864.65 | Horticulture New Zealand | Allow |
| C60.2864.67 | Horticulture New Zealand | Allow |
| C60.2864.68 | Horticulture New Zealand | Disallow |
| <i>Disallow</i> | FC60.4011.16 | |
| C60.2864.70 | Horticulture New Zealand | Allow In Part |
| <i>Allow in Part</i> | FC60.4011.14 | |

| | | |
|-------------|------------------------------------|---------------|
| C60.3969.3 | Parkes, Claire | Allow In Part |
| C60.3986.3 | Anderson, Stuart | Disallow |
| C60.3994.7 | Blackstock, Patsy | Disallow |
| C60.4009.3 | Eastman, Liza | Allow |
| C60.4011.9 | Egg Producers Federation of NZ | Allow |
| C60.4011.10 | Egg Producers Federation of NZ | Allow |
| C60.4011.14 | Egg Producers Federation of NZ | Allow |
| C60.4011.15 | Egg Producers Federation of NZ | Allow |
| C60.4011.16 | Egg Producers Federation of NZ | Allow |
| C60.4023.16 | Hancock Forest Management (NZ) Ltd | Allow |
| C60.4032.1 | Jelf, Iona | Disallow |
| C60.4032.19 | Jelf, Iona | Disallow |
| C60.4035.6 | Kelsall, Julia | Disallow |
| C60.4038.5 | Koldau, Vanessa & Magnus | Disallow |
| C60.4039.2 | Landmark Lile Ltd FC60.2864.11 | Disallow |
| C60.4039.3 | Landmark Lile Ltd FC60.2864.12 | Disallow |
| C60.4045.5 | Love, G | Disallow |
| C60.4046.5 | McCarthy, Beth | Allow |
| C60.4046.7 | McCarthy, Beth | Allow |
| C60.4049.3 | Manson, Mark & Laura | Disallow |
| C60.4052.5 | Mitchell, Fran | Disallow |
| C60.4066.1 | Rose, David Glenn | Allow |
| C60.4066.2 | Rose, David Glenn | Allow |
| C60.4070.9 | Santa Barbara, Jeff | Disallow |
| C60.4073.9 | Seligman, Katerina | Disallow |
| C60.4077.6 | Stephenson, Andrew | Disallow |
| C60.4077.12 | Stephenson, Andrew FC60.4032.33 | Disallow |
| C60.4078.6 | Stephenson, Petra | Disallow |
| C60.4078.12 | Stephenson, Petra FC60.4032.34 | Disallow |